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July 19, 2006

BY ECF AND FACSIMILE

The Honorable Jack B. Weinstein
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Schwab, et al. v. Philip Morris USA, Inc., et al.*
No. 04 CIV 1945 (JBW) (SMG)

Dear Judge Weinstein:

Defendants' letter sent today (7.19.06) raises issues that Plaintiffs would like the opportunity to address. Unfortunately, Michael Hausfeld and Paul Gallagher (lead counsel for Plaintiffs) are out of the country on business and will not be back until Monday, July 24th. As such, Plaintiffs request that the Court put off consideration of Defendants' letter until Plaintiffs have a chance to respond once Mr. Hausfeld and Mr. Gallagher return.

Defendants' letter does raise one point worth addressing now. In their letter, Defendants request a conference to discuss the issues raised in their letter with the Court. Plaintiffs believe that a status conference is appropriate and feel that it would also be helpful to address other outstanding issues such as the format of the August 14th hearing, presentment of motions and witnesses, etc.

Very truly yours,

A handwritten signature in dark ink, appearing to read "JPizzirusso", is written over a horizontal line.

James J. Pizzirusso

cc: Hon. Steven M. Gold

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